

SWAC Beyond Waste Subcommittee  
May 25, 2004  
Lacey, WA

Introduction

Cullen Stephenson welcomed the group, and thanked them for their ongoing participation in the Beyond Waste Process. He stated that comments from the SWAC Subcommittee, as well as other stakeholders, have been incorporated into the Draft Summary of the Solid Waste and Hazardous Waste Plan. He noted that, in some instances, whole chapters were created from stakeholder comments. He introduced the facilitator, Dee Endelman, from Agreement Dynamics, Inc.

The facilitator led a round of introductions and reviewed the agenda with the group. Participants included: David Stitzhal, Sally Toteff, Craig Lorch, Bill Reed, Suellen Mele, Lorrie Hewitt, Chris Chapman, Cheryl Smith, Cullen Stephenson, Jeff Kelley-Clarke, Norm LeMay, Dennis Durbin, Gene Eckhardt, Jerry Smedes, Damon Taam and Brad Lovaas.

Dee then reviewed the desired outcomes and agenda for this meeting:

Desired outcomes:

- Understanding of how Subcommittee input was used in developing the Beyond Waste Draft;
- Input on draft;
- Decision regarding the Subcommittee's next steps.

Agenda:

1:00 Introduction/agenda review  
1:15 Process since we last met  
1:30 Discussion of draft  
2:30 Break  
2:40 Discussion, continued  
3:15 Next steps  
4:00 Adjourn

Dee asked for questions on or changes to the agenda, and then reviewed the timeline since the last round of SWAC Subcommittee meetings.

## Progress Since the Last SWAC Beyond Waste Subcommittee Meeting

Dee reviewed the timeline for the Beyond Waste Project from May 2003 until the present:

May-June 2003	SWAC Subcommittee met four times regarding the preliminary Beyond Waste outline
June 2003	Ecology sent hazardous waste surveys to 1000+ regulated generators throughout the state
August-September 2003	Ecology held a series of nine hazardous waste focus groups with waste generators and TSDs across the state
June 2003-May 2004	Beyond Waste Project Managers and initiative leads attended a variety of conferences to educate stakeholders and get feedback
Oct. 2003, April 2004	Ecology staff drafted plan and continued check-ins with stakeholder groups
May-June 2004	Draft plans issued. Ecology held a series of seven public meetings across the state, plus this SWAC Subcommittee meeting
Fall 2004	Final plans to be issued.

Cheryl Smith, Beyond Waste Project Co-Manager, listed a wide variety of groups with whom Ecology has consulted, including state governments, businesses, and associations.

The facilitator reviewed the structure of the Beyond Waste public meetings to be held in May and June 2004:

1. Beyond Waste Project Managers give a short overview of the Beyond Waste Plans, including the five key initiatives.
2. Facilitators then guide discussions in breakout discussions for all five initiatives, as well as general solid and hazardous waste issues.
3. The meetings conclude with a short facilitated discussion with the entire group.

She also reviewed the available methods of providing comment on the plans: a feedback form on the Beyond Waste website, written comment cards, the SWAC Subcommittee meeting, statewide public meetings, the Solid Waste Summit during the first week in June, postal mail, and email.

The facilitator reminded the group that this is an iterative process designed to result in solid and hazardous waste plans that take into consideration interests of various stakeholder groups.

One participant expressed disappointment that the Subcommittee did not have time to comment on the draft before it was published.

### Discussion of the Draft Plans

Participants raised the following topics for discussion:

- How does this plan affect all of the stakeholders' actions?
- What is the purpose of the plan? The document says that it is to provide "statewide guidance."
- Financing
- We have a public draft – let's celebrate!
- Check in on initiatives
- Cost, return on investment
- Review of "Responses to comments..." document
- Prevention of unintended consequences

Plan Purpose: In response to questions regarding the legal purpose and standing of the Draft Plans, Cheryl Smith explained that it is not the purpose of Beyond Waste to change existing laws (such as the 50% recycling goal and the elimination of yard waste disposal by 2012). Rather, Ecology is required by state law to have long-term plans for solid and hazardous waste, and the solid waste plan is to coordinate a statewide solid waste management program. These long-range plans do not have, in most instances, direct regulatory authority. The Beyond Waste plans may lead to proposed regulatory changes down the road, although that is not entirely clear at this time. Ecology hopes, however, that the stakeholders that have been involved in the process will embrace it. Chris Chapman, Beyond Waste Project Co-Manager, also noted that the draft plans are based on existing state laws and regulations, and that the plans represent Ecology's interpretation of state law.

Several participants added clarifications about the plan:

- State plans typically establish a framework for future legislation.
- These plans were developed in collaboration with stakeholder groups, and will be used as guides for counties when developing their local plans.
- The Beyond Waste Plans are updated versions of the plans that have been in place for the last 10 years.

- The Plans are made up of initiatives toward which the state wants to move; the plans are not prescriptive on a county-by-county basis.

The group discussed the ways in which the Beyond Waste Plans may be used in relation to local funding. Cullen explained that, although the Beyond Waste Plans are not legally enforceable, they do address major problems of our time, and will be used to help leverage legislation and grant funding. He noted that the Coordinated Prevention Grant (CPG) workgroup (a statewide multi-jurisdictional workgroup that develops goals for the CPG Program every two years) had taken the Beyond Waste Plans into account while developing the latest round of CPG goals, but that counties are not required to specifically follow Beyond Waste initiatives to receive grant funding. Beyond Waste is one criterion for CPG funding. He also stressed that the Plans are only as valuable as the partnerships formed with various stakeholders. Several participants expressed concern that grant funding that is closely linked with Beyond Waste may cause some counties to lose funding in the future. Another participant suggested that a clear purpose be written into the plan.

Financing: The group briefly reviewed a discussion regarding financing options for Beyond Waste that had occurred during the full SWAC meeting earlier in the day. The discussion focused on the plan background information paper on "Financing Solid Waste for the Future." The paper (available on the Web site) includes a list and description of 29 brainstormed funding mechanisms to research for the future. The paper is based on the connection between waste amounts and funding from tip fees, i.e., decreasing disposed wastes results in decreased funding for all types of solid waste programs, most of which are currently funded by disposal fees. Participants voiced concerns about several aspects of the financing background paper:

- The level of ambiguity in the Plans and financing background paper is worrisome to some stakeholders.
- The brainstormed ideas for financing were developed without all stakeholders present.
- Communicating the "whole cost" of disposal through rate increases would be very difficult for haulers.
- This document might be used as a systematic analysis tool of the solid waste system.
- There is no "history document" that puts the current system in context. The brainstormed funding possibilities would change the excellent system already in place.
- Businesses and public agencies have invested heavily in the current system, and need assurance that their investment will not be lost.
- Ecology has not yet conducted a financial study for Beyond Waste.
- Some members of the group have disputed the claim that the current system will not work indefinitely.

In response to some of the concerns, a participant noted that the Plans and background paper were vague in part because they required more collaborative work rather than “command and control.” In response to concerns about the financial study, Cheryl explained that Ecology does not have the technical expertise to conduct the study, and would not undertake the task without involving stakeholder groups. Several participants reiterated that the background paper was simply a brainstormed list, not a finished product, and that many of the mechanisms to research and consider are already in use in Washington.

The group discussed next steps for the finance section. One participant suggested that the background paper be left out of the plan entirely; others disagreed. Several participants noted that the finance section needed further discussion, but that it would not be resolved during this meeting. Participants agreed that the financing issue would have to be worked on collaboratively.

Industrial Initiative: The group discussed several specific concerns within the Industrial Initiative. One participant noted that some toxics, such as mercury, should be targeted for removal from the nutrient cycle, as opposed to being continually reused and recycled. Another participant suggested that greater flexibility could encourage businesses to find innovative solutions to some of the problems addressed in the initiative. A participant noted that biotech industries were missing from the “Today’s Realities” section. A consultant who worked on the initiative responded that the categories use SIC codes, which are slow to catch up to growing industries; this does not mean that biotech will be ignored.

Small Volume Hazardous Waste (also known as MRW) Initiative: The group reviewed the Small Volume Hazardous Waste initiative and participants suggested the following:

- The “Today’s Realities” section, especially the table on page 18, should be updated with materials such as flame-retardants. It is outdated and it needs to reflect the current understanding that toxics are embedded in many additional household products beyond the ones listed.
- Prioritized lists of hazardous materials should be left flexible to add or subtract materials.
- PVC should be included, as it is a priority to many interests
- Incentives for managing small businesses e-waste should be included.
- The group briefly discussed some issues with Small Quantity Generators (SQGs), specifically mentioning the following:
  - Treating SQG waste similarly to household hazardous waste and excluding certain wastes from the dangerous waste category (if properly handled) could reduce bureaucracy.

- The initiative seems to erroneously suggest that SQGs do not properly deal with their wastes in the current system.
- The estimated numbers for SQG wastes are closer to guesses than estimates; stakeholders in other meetings had suggested removing the estimates.
- “Sham recycling” should be stopped. Since haulers are liable for end of life issues with waste, they have an interest in making sure recyclers are doing their job. (This comment applies to all of the key initiatives.)
- In reference to the Recommendation #5 (pesticides), a participant suggested that the Department of Health be included on the partner list.
- More credit should be given to stakeholders that were consulted through this process.
- Reducing regulation and increasing incentives should not be a blanket goal for all issues.
- For some, the challenge of regulation is complexity and constant change, not the fact that regulations exist.
- A simpler process is needed to exclude certain wastes (such as pharmaceuticals) from hazardous waste requirements if handled in certain ways. It took 2 years to exclude pharmaceuticals.

Organics Initiative: In the interest of time, the group agreed to send wordsmithing suggestions to Cheryl Smith, rather than discuss them at this meeting. Participants raised the following concerns with this draft initiative:

- A standard associated with pathogens should be explored.
- Some participants expressed concern that a prioritized list of uses for organic material may be too simplistic to address the needs of the entire system.
- “Lead by example” seems to suggest that agencies should be composting onsite, but agencies should not assume that composting onsite is the best idea.
- This initiative should address toxics that remain in bio-wastes, such as pharmaceuticals and hobby chemicals. It could possibly including sampling and testing for PBTs, etc.
- The initiative should ensure that composting facilities have permits in place.
- Food waste needs to be addressed.

Green Building Initiative: Participants had the following comments on the Green Building Initiative:

- The whole section that begins with “Asbestos” in “today’s realities” needs to be rewritten.
- Construction recyclers need to be recyclers, not just landfills, and they should have financial assurance mechanisms in place.

- Inclusion of one of the 5-year milestones in Recommendation #4GB is inconsistent with the rest of the document. This should be corrected.
- PVC plastics and carpets should be added to “today’s realities”; Additional materials should be included along with LEED standards.
- Sustainable building should also mean affordable building
- The state should develop its own green building criteria in a public forum.
  - One participant disagreed, noting that LEED standards are menu-style, meaning that builders can meet the standards by choosing from many different materials and practices, accommodating local needs and conditions.

Measuring Progress Toward Beyond Waste: The group discussed the use of environmental and body burdens as measurements toward Beyond Waste. Some participants voiced the opinion that this type of measurement does not directly correlate to wastes, and therefore should not be used to measure progress toward Beyond Waste. Others disagreed and voiced the opinion that the use of toxic products is directly linked to wastes since residual toxics can affect the recyclability of materials. Another participant noted that measurements such as body burdens are very difficult to evaluate. One participant suggested that Washington look to other states for benchmarks and measurements.

#### Next Steps

The facilitator suggested that the group discuss next steps in the Beyond Waste process. One possibility would have the Subcommittee provide a recommendation regarding Beyond Waste to the full SWAC. One participant suggested that the group examine public comments before making a recommendation.

Jeff Kelley-Clarke suggested that the group email comments on the draft plans to him and Cheryl Smith. Jeff and Cheryl would then draft a comment letter to the full SWAC, leaving blanks for Subcommittee members’ comments. The draft letter would be available around July 20. The Subcommittee could then discuss the letter in person for a couple of hours on the morning of July 27 before the full SWAC meeting. The letter may include dissenting opinions.

The SWAC Subcommittee agreed to meet on the morning of July 27 to review the draft of the recommendation letter, followed by a meeting of the full SWAC in the afternoon.

Substantive comments should be sent to Cheryl or Jeff; wordsmithing changes should be submitted via the standard e-form on the Beyond Waste website, or sent to Cheryl, to be forwarded to editing staff.

The public meeting report will be prepared and available prior to the July 27 meeting. The meeting adjourned at 4:00 p.m.